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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Number Resource Optimization	)	CC Docket No. 99-200
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	WT Docket No. 01-184
Pine Belt PCS, Inc. and Pine Belt Cellular, Inc.	)	
Petition for Waiver of Sections 20.12(c) and	)	
52.31(a)(2) of the Commission's Rules	)	

**To: Chief, Wireless Telecommunications Bureau****WAIVER - EXPEDITED ACTION REQUESTED**  
**PETITION FOR WAIVER**

Pine Belt PCS, Inc. and Pine Belt Cellular, Inc. (collectively, "Pine Belt Wireless"), by its attorneys, and pursuant to Section 1.3 and 1.925 of the Commission's Rules,' hereby requests waiver or temporary extension of the requirement for Commercial Mobile Radio Service ("CMRS") providers to support roaming for customers with pooled numbers, as set forth in Section 20.12(c) and 52.31(a)(2) of the Commission's Rules (the "pooling requirement").\* A one year temporary extension of the deadline, *i.e.*, until November 23, 2003, is appropriate in light of the specific circumstances facing Pine Belt Wireless. To ensure efficient utilization of resources, Pine Belt Wireless also proposes a specific deployment and reporting schedule to

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1 47 C.F.R. §§ 1.3 and 1.925

2 47 C.F.R. §§ 20.12(c) and 52.31(a)(2); *see In the Matter of Verizon Wireless' Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation and Telephone Number Portability: Memorandum Opinion and Order*, WT Docket No. 01-184, CC Docket No. 95-116 at para. 31 (rel. July 26, 2002) ("Verizon Forbearance Order") (Commission extending the deadline for CMRS carriers to implement local number portability but maintaining requirement that all CMRS carriers must support roaming nationwide for customers with pooled numbers by November 24, 2002).

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ensure that all roamers, including those with pooled numbers, will have access to Pine Belt Wireless's service. Accordingly, good cause exists for grant of the instant waiver request.

## **I. Background**

Pine Belt Wireless provides cellular service in the Alabama Rural Service Area 3B2 market and PCS service in the Selma, Alabama Basic Trading Area. Pine Belt Wireless has chosen to implement CDMA technology in its network and has selected Lucent Networks as its infrastructure vendor. Currently, Pine Belt Wireless has the Lucent release 5E-13 installed in its network. **11. Waiver is Warranted**

The relevant standard for grant of a waiver of the Commission's Rules is that "in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest" Pine Belt Wireless's waiver request meets this standard.

### **A. Waiver is Appropriate in Light of the Circumstances**

Pine Belt Wireless is faced with unusual circumstances that make extension of the compliance deadline necessary. Pine Belt Wireless's service area is outside of the largest 100 largest Metropolitan Statistical Areas ("MSAs"). Accordingly, it is not required to participate in thousands block number pooling by the compliance deadline.<sup>4</sup> It is required, however, to support

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<sup>3</sup> 47 C.F.R. § 1.925(b)(3)(ii).

<sup>4</sup> *See In the Matter of Numbering Resource Optimization: Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, CC Docket Nos. 99-200, 96-98, 95-116 (rel. Dec. **28**, 2001) at para. 19 - 20 (Commission finding that requiring carriers serving areas outside of the 100 largest MSAs to participate in number pooling would be unreasonable, unnecessary and would impose disproportionate costs on the carriers).

roaming for roamers with pooled numbers.<sup>5</sup> As the Commission has noted, the technology chosen by wireless industry to support roaming of customers with pooled numbers is the “MIN/MDN Standard.”<sup>6</sup> This standard requires the separation of the Mobile Directory Number (“MDN”) from the Mobile Identification Number (“MIN”) and is extremely costly, especially for small carriers.’ These costly upgrades impact Pine Belt Wireless, a small rural carrier, in a much greater degree than mid-size or larger carriers due to the small customer base over which the costs can be distributed. These costs are an even greater burden for Pine Belt Wireless since it must upgrade both hardware and software in its switch from the 5E-13 to the 5E-16 software load to comply with the MIN/MDN standard.

For the past two years, Pine Belt Wireless has been diligently seeking funding for necessary software upgrades to comply with a variety of Commission mandates. Although Pine Belt Wireless recently has had promising indications from a major lender, the company has yet to receive official notice regarding such funding. Without assurance of proper funding, Pine Belt Wireless cannot execute a purchase order with Lucent to make the requisite upgrades because current operations will not support this capital expenditure, expected to be well in excess of \$500,000.

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<sup>5</sup> See Verizon Order at para. 31.

<sup>6</sup> *In the Matter of Cellular Telecommunications Industry Association’s Petition for Forbearance From Commercial Mobile Radio Service Number Portability Obligations and Telephone Number Portability: Memorandum Opinion and Order*, 14 FCC Rcd 3092, 3105-06 (1999).

<sup>7</sup> See Verizon Order at paras. 24 (noting that the MIN/MDN standard is “particularly complex for wireless carriers”); Comments of the Rural Cellular Association in CC Docket No. 99-200, filed November 6, 2001 at 6-7 (demonstrating that the MIN/MDN separation is extremely costly, especially for small carriers).

In the absence of funding to upgrade its switch, Pine Belt Wireless also explored alternatives to the MIN/MDN standard. The Commission has recognized that alternatives to the MIN/MDN standard have been proposed' and determined that such alternatives may be used to comply with the pooling requirement so long as valid call back numbers are provided to Public Safety Answering Points.' Pine Belt Wireless and its advisors investigated several alternatives, but have reluctantly concluded that no viable alternative to the MIN/MDN standard is available for Pine Belt Wireless's system. Accordingly, Pine Belt Wireless **seeks** additional time to obtain funding and purchase, install and test the necessary switch enhancements, which it projects to be six to eight months. Out of abundance of caution, however, and in order to ensure efficient use of the Commission review processes, Pine Belt Wireless requests a one year extension of the pooling requirement compliance deadline, and suggests that it report its progress bimonthly during the period **of** extension."

**B. Disruption will be Minimal During Temporary Extension**

Pine Belt Wireless estimates that the enhancements to the switch will be completed and tested before the expiration of one year. During this short time period, Pine Belt Wireless' roaming partners will have only initiated the process of programming pooled numbers into their

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<sup>8</sup> See Verizon Order at para 32 & n.117 citing Ex Parte Comments from Missouri RSA No. 7 Limited Partnership, Illinois Valley Cellular Partnerships, Public Service Cellular, Farmers Cellular Telephone, and Northwest Missouri Cellular Limited Partnership (filed Mar. 26,2002).

<sup>4</sup> See Verizon Order at para. 32, n. 118.

<sup>10</sup> To the extent necessary, Pine Belt Wireless also requests waiver or temporary extension of the Commission's requirement for carriers to deliver valid call back numbers to Public Safety Answering Points in the areas where it is providing Phase I enhanced 911 service. See 47 C.F.R. § 20.18(d).

customers' phones. Accordingly, during the extension period, the vast majority of subscribers roaming on Pine Belt Wireless's system will continue to serve non-pooled numbers, resulting in only a minimal amount of disruption of service to roamers with pooled numbers.

### **III. Grant of the Waiver Would Further the Public Interest**

Pine Belt Wireless is not requesting a blanket waiver **of** the Commission's requirement for CMRS carriers to support roamers with pooled numbers but, rather, is requesting a waiver only to the extent that the requirement can be accomplished in a technically and economically feasible way. Accordingly, Pine Belt Wireless **seeks** a one year extension of **the** deadline, until November 23, 2003, to allow it to implement the necessary upgrades. Pine Belt Wireless will provide the Commission with status reports at two month intervals during the temporary extension period. Also, during this period, Pine Belt Wireless will continue to coordinate with its roaming partners to minimize any problems that may arise in providing service to roamers with pooled numbers.


#### **IV. Conclusion**

Grant of this temporary extension request is appropriate in light of the circumstances and will cause minimal disruption to roamers with pooled numbers. To advance the public interest, Pine Belt Wireless will coordinate with roaming partners and provide the Commission with periodic status reports during the temporary extension period. Accordingly, the Commission should grant the instant waiver request.

Respectfully submitted,

**PINE BELT PCS, INC.**  
**PINE BELT CELLULAR, INC.**

By:

  
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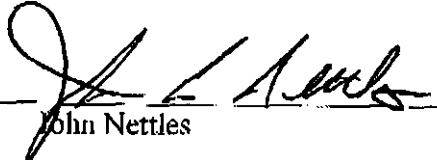
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November 22, 2002

**DECLARATION OF JOHN NETTLES**

I, John Nettles, President of Pine Belt Cellular, Inc. and Pine Belt PCS, Inc., do hereby declare under penalty of perjury that I have read the foregoing Petition for Waiver and that the facts stated therein are true and correct, to the best of my knowledge, information and belief.

  
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John Nettles

Dated: 11/22/2002

**CERTIFICATE OF SERVICE**

I, Naomi Adams, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Petition for Waiver" was served on this 22<sup>nd</sup> day of November 2002, via hand delivery to the following parties:

  
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